

House File 407 - Introduced

HOUSE FILE 407

BY KLEIN

A BILL FOR

1 An Act relating to animal feeding operations, by providing
2 that a county may elect not to accept or retain certain
3 documents.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 459.302, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. *a.* A county board of supervisors may
4 adopt a document retention resolution that provides that the
5 county is not required to accept the submission of a document
6 or serve as the custodian of filed documents. The resolution
7 shall apply to any of the following:

8 (1) Applications and supporting materials for permits to
9 construct confinement feeding operation structures as provided
10 in sections 459.303 and 459.304.

11 (2) Manure management plans as provided in section 459.312.

12 *b.* The board shall submit the resolution to the department
13 and the department shall file the resolution if the resolution
14 meets the requirements of paragraph "a" regardless of whether
15 the department has filed a construction evaluation resolution
16 pursuant to section 459.303. The board submitting a document
17 retention resolution may destroy any archived document covered
18 by the resolution on or after the date that the resolution is
19 filed by the department.

20 *c.* If a document covered by a document retention resolution
21 filed with the department is not available to the board on
22 the department's internet site, the department, upon request
23 by the board, shall transmit the document to the board. The
24 county auditor or other county officer may request or accept
25 the document on behalf of the board.

26 *d.* This subsection does not enlarge or restrict a duty or
27 power of a county board of supervisors as provided in this
28 chapter other than allowing for an election by such a board not
29 to perform a ministerial function.

30 Sec. 2. Section 459.303, subsection 2, Code 2015, is amended
31 to read as follows:

32 2. The department shall issue a construction permit upon
33 approval of an application. The department shall approve the
34 application if the application is submitted to the county board
35 of supervisors in the county where the proposed confinement

1 feeding operation structure is to be located as required
 2 pursuant to section 459.304, and the application meets the
 3 requirements of this chapter. However, a board that files a
 4 document retention resolution with the department as provided
 5 in section 459.302 is not required to accept an application.
 6 If a county submits an approved recommendation pursuant to a
 7 construction evaluation resolution filed with the department,
 8 the application must also achieve a satisfactory rating
 9 produced by the master matrix used by the board or department
 10 under section 459.304. The department shall approve the
 11 application regardless of whether the applicant is required to
 12 be issued a construction permit.

13 Sec. 3. Section 459.304, subsection 1, Code 2015, is amended
 14 by adding the following new paragraph:

15 NEW PARAGRAPH. c. Notwithstanding paragraphs "a" and "b",
 16 a board that files a document retention resolution with the
 17 department as provided in section 459.302 is not required to
 18 accept an application.

19 Sec. 4. Section 459.312, subsection 4, paragraph b, Code
 20 2015, is amended to read as follows:

21 b. The manure management plan shall be filed with the
 22 county board of supervisors. The county auditor or other
 23 county officer may accept the manure management plan on behalf
 24 of the board. However, a county board of supervisors that
 25 files a document retention resolution with the department as
 26 provided in section 459.302 is not required to accept a manure
 27 management plan.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
 30 the explanation's substance by the members of the general assembly.

31 This bill provides that a county board of supervisors
 32 may elect not to accept certain documents related to the
 33 regulation of animal feeding operations, and specifically
 34 confinement feeding operations under the "Animal Agriculture
 35 Compliance Act" (Code chapter 459). Generally, the Code

1 chapter is administered and enforced by the department
2 of natural resources. The bill allows a county board of
3 supervisors to adopt a resolution to forego receiving an
4 application or related materials for a permit to construct a
5 confinement feeding operation structure (Code section 459.303
6 or 459.304) or a manure management plan governing the storage
7 and application of manure from a confinement feeding operation
8 (Code section 459.312). The board may request the department
9 to transmit the document to the county if it is not available
10 on the department's internet site.